

EXECUTIVE ORDER

NO. 87-9

Gyl. 3-2-11 37 9

SUPERCEDING EXECUTIVE ORDER 83-5
CONCERNING STATE AFFIRMATIVE ACTION

WHEREAS, the State of Arizona is dedicated to the belief in the freedom and equality of its citizens and is committed to take a leadership role in the establishment of a policy of nondiscrimination and equal employment opportunity to include:

1. Hiring, placement, upgrading, transfer or demotion;
2. Recruitment, advertising and all solicitation for employment;
3. Treatment during employment;
4. Rates of pay or other forms of compensation;
5. Selection for training;
6. Layoff, termination or reinstatement;
7. State Service examination processes; and

WHEREAS, discrimination because of race, color, sex, religion, national origin, age, disability status or political affiliation is prohibited except when any of these factors is an existing bona fide occupational qualification as stated in Titles VII and IX of the Civil Rights Act of 1964; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, As Amended; the handicap Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, As Amended; E.O. 11246 As Amended in 1967 and its implementing regulations inclusive of Title VI of the Civil Rights Act; and

WHEREAS, the State of Arizona seeks to increase minority business, small business and women's business participation in responding to and competing for awards to provide materials, services and/or construction, and

WHEREAS, programs will be initiated and developed to enhance and promote economic growth and development in minority communities state wide where economic growth has been stagnated, and

WHEREAS, the commitment to eliminate and alleviate obstacles and high failure rate of new minority businesses and establish proven-successful programs to encourage formation of new businesses and assistance to existing minority businesses;

WHEREAS, the State of Arizona seeks to reduce excess cost, conflicts of interests and duplication of service and to increase efficiency and ensure good business management practices;

NOW, THEREFORE, pursuant to the authority vested in me as Governor and Chief Executive of the State of Arizona, I hereby order and direct the following actions:

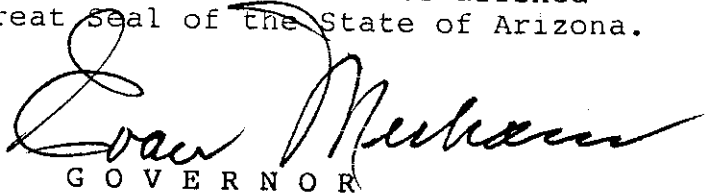
1. The Governor's Office of Affirmative Action shall be expanded to encompass the responsibilities of Equal Employment Opportunity and Minority and Women Owned Business economic affairs.
2. The Governor's Office of Affirmative Action shall develop, implement, and enforce a multiphase comprehensive business and economic development program for state-wide participation;

3. The Governor's Office of Affirmative Action shall take appropriate action to facilitate, preserve and strengthen minority and women's business enterprises and ensure their full participation in the State of Arizona's free enterprise system as specified in p.l. 95-507 and 99-661 of the United States Code and 49 CFR Part 21 and Part 23,
4. The Governor's Office of Affirmative Action shall be the agency responsible for coordinating, facilitating, monitoring and overissuing the compliance and enforcement of affirmative action policies and programs within state government entities in accordance to State Civil Rights and Labor Laws, and Federal Law under Titles VII and IX of the Civil Rights Act of 1964; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, As Amended; the handicap Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, As Amended; E.O. 11246 As Amended in 1967 and its implementing regulations inclusive of Title VI of the Civil Rights Act; and
5. The Governor's Office of Affirmative Action shall have the responsibility for the preparation, administration and update of the state guidelines for equal employment opportunity and equal employment officers, as it applies to Titles VII and IX of the Civil Rights Act of 1964; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967, As Amended; the handicap Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, As Amended; E.O. 11246 As Amended in 1967 and its implementing regulations inclusive of Title VI of the Civil Rights Act;
6. The Governor's Office of Affirmative Action shall give advice and monitor the offices of Personnel in State operated agencies and institutions as it relates to classification standards used to certify employment applications to eliminate non-bona-fide discriminatory occupational qualification standards, employee complaints and grievances according to A.R.S. 41-763, in cooperation with Department of Administration in its implementation of assigned duties.
7. The Governor's Office of Affirmative Action shall assist state agencies in developing, appointing, training of volunteer equal employment opportunity counselors, and monitor their performance in that role.
8. State agencies shall establish and update every two years, an Agency Affirmative Action Plan, in accordance to the State Guidelines and Plan.
9. State agencies shall include in their agency Affirmative Action Plan, reasonable goals and timetables to address underutilization of minority, female and handicapped persons.
10. State agencies shall cooperate with the Governor's Office of Affirmative Action in developing and adhering to its established and approved Affirmative Action Plan, and state and federal quarterly and annual reporting.

11. The Governor's Office of Affirmative Action shall coordinate and supervise the consolidation of Equal Employment Opportunity and Affirmative Action activities within the Government Agencies of the State of Arizona as it relates to Hispanics, Blacks, Asians, Native Americans, Women, Vietnam Veterans, and Handicapped protected classes.
12. The Director may:
 - A. On behalf of the Governor and the State, accept grants and matching funds for the conduct of programs which are designed to develop and implement equal employment opportunities, Affirmative Action policies and programs, and disadvantaged economic development policies and programs.
 - B. Expend available funds, use its facilities and provide service to promote equal employment and economic development opportunities in State government, and to provide matching contributions under Federal and other programs designed to promote equal employment and economic development opportunities and practices;
 - C. Make quarterly reports to the Governor on its activities, its finances and the scope of its operations.
13. An Affirmative Action Advisory Board and a Minority and Women Business and Economic Development Advisory Board shall be established, which shall be appointed by the Governor to advise and assist the Governor's Office of Affirmative Action in carrying out its duties and responsibilities, and shall operate in concurrence with the Civil Rights Advisory Board and the Small Business Advisory Council respectively.


Executive Order No. 83-5 is hereby superceded by this Order and the force and effect of said Executive Order is hereby rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.


GOVERNOR

Done at the Capitol in Phoenix this 22nd day of October in the Year of Our Lord, One Thousand Nine Hundred and Eighty-Seven and of the Independence of the United States of America the Two Hundred and Eleventh.

ATTEST


Secretary of State

